

### **REMARKS / ARGUMENTS**

In response to the Office Action mailed July 13, 2006, the Examiner's claim rejections have been considered. Applicants respectfully traverse all rejections regarding all pending claims and earnestly solicit allowance of these claims.

#### **1. Specification Objections**

The Examiner has objected to the specification due to informalities. In response, Applicants have amended the specification to overcome the Examiner's objections.

#### **2. Claim Rejections – 35 U.S.C. § 112, first paragraph**

The Examiner has rejected claims 4, 5, 9, 10, 14, and 15 under 35 USC §112, first paragraph, as failing to comply with the written description requirement. In response, Applicants respectfully submit that there is sufficient written description supporting the “indicator” recited in the claims. While the specific term “indicator” may not be used in the specification, the concept of the indicator is disclosed in the specification. For example, page 25 describes that bonus display data (i.e., indicators) may include a prize indicator field that stores “the bonus display information previously stored on the lottery terminal. Because the bonus display information is received at the same time as the prize, the terminal is not required to determine if the prize is a bonus or not: it already knows because [of] the extra information.” That is, the bonus display information field indicates to the terminal that that the prize includes a base pay results and bonus game play result. For example, referring to the table on page 25, prize index 7 refers to a game having a 1000 unit payout for the base game and a bonus game of awarding 150 credits. Furthermore, the prize information field associated with prize index 7 may include “an index to possible bonus display outcomes” or other information listed on page 26 of the specification. Accordingly, Applicants submit that the claims as presented in the amendment conform to all applicable requirements under 35 USC §112 and respectfully request that the rejections be withdrawn.

**3. Claim Rejections – 35 U.S.C. § 112, second paragraph**

The Examiner has rejected claims 4, 5, 9, 10, 14, and 15 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which the Applicants regard as the invention. In view of the arguments presented in Section 2 of this response, Applicants respectfully submit that the § 112 rejections, second paragraph rejections to claims 4, 5, 9, 10, 14, and 15 have also been overcome.

**4. Claim Rejection – 35 U.S.C. § 102**

The Examiner has rejected claims 1-15 under 35 U.S.C. § 102(b) as being anticipated by Luciano *et al.* (US 6,537,150). Applicants respectfully traverse this rejection. For the sake of brevity, the rejections of the independent claims 1, 6, and 11 are discussed in detail on the understanding that the dependent claims are also patentably distinct over the prior art, as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate and independent bases for patentability.

In response, Applicants submit that the Luciano reference does not disclose “a game play result [that] represents a fixed sum award having a base game play result and a bonus game amount” that is awarded to the player as a single payout. For example, according to the claimed invention, a single game play result (e.g., 1500 credits) of the claimed invention is broken down into two components, a base game award (1000 credits) and a bonus game award (500 credits). In sharp contrast, Luciano discloses that two separate fixed game pools are required to present a base game and a bonus game in a Class II device. Nowhere does Luciano teach that a single results pool may be used to generate the results of a base game and a bonus game. In conclusion, Applicants respectfully submit that the 35 U.S.C. §102(b) rejection of claims 1-15 have been overcome.

**CONCLUSION**


Applicants have made an earnest and *bona fide* effort to clarify the issues before the Examiner and to place this case in condition for allowance. Reconsideration and allowance of all of claims 1-15 is believed to be in order, and a timely Notice of Allowance to this effect is respectfully requested.

The Commissioner is hereby authorized to charge the fees indicated in the Fee Transmittal, any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17, or to credit any overpayments, to Deposit Account No. 194293, Deposit Account Name STEPTOE & JOHNSON LLP.

Should the Examiner have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 734-3200. The undersigned attorney can normally be reached Monday through Friday from about 9:00 AM to 6:00 PM Pacific Time.

Respectfully submitted,

Date: December 13, 2006

  
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